

III. REMARKS

Claims 1 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 24 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101.

Claim 1 now positively recites the various steps and claim 24 positively recites the means. Thus both of the above grounds of rejection should be withdrawn both for the above claims as well as their dependent claims.

Claims 1-2,5-6,12-13,20-22,24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Pecen.

In general, Pecen uses a different algorithm which has only small relationship to the algorithm used in the present invention.

As to the rejection of claims 1 - 2 and 5 - 6 under 35 U.S.C. 102(e), the fact that Pecen teaches a method where the BCCH (Broadcast Control Channel) or TCH (Traffic Control Channel) carrier signal level over interference level (BCCH C/I and TCH C/I) are used implies that the method of Pecen is meant for a different kind of receiver structure.

In the present invention, the adjustment of the receiver gain is based on the absolute signal strength level (dBm) of the PDTCH

carrier and this level has no mathematical relationship to the BCCH C/I or the (PD)TCH C/I ratios used by Pecen because the interference level and the carrier signal level in general do not have any mathematical relationship. In other words, the interference level and the carrier signal level vary independently from each other depending on radio channel characteristics and the interference level is further dependent on the network planning of the adjacent cells, and therefore they are not used in the present invention.

More particularly, claim 1 of Pecen teaches that the receiver gain is adjusted on the basis of the BCCH carrier signal level, and the BCCH carrier to interference ratio (C/I), and the TCH carrier to interference ratio (C/I). However, in the present invention the receiver gain is adjusted on the basis of a reference level that is calculated from the PDTCH carrier signal level, and possibly adjusting the reference level based on the PR field information in the received radio blocks. As a special case (see claim 5), the BCCH carrier signal level may be used for the reference level calculation, if the receiver was not capable of calculating the reference level from the PDTCH carrier signal level. However, the absolute BCCH carrier signal level is not used directly as an input in the method of the present invention and, as can also be concluded from above, the BCCH C/I level or the TCH C/I level is not used when calculating the reference level.

Furthermore, according to the present claim 1, the reference level is calculated from the valid PDTCH radio blocks. The valid radio block here means a radio block that was received correctly (CRC check-up), or a radio block that was received correctly and addressed to a recipient as well (see claims 14 - 16).

Accordingly, the calculation of the reference level using any radio block or radio blocks whose signal to noise ratio (SNR) is good enough, or just monitoring the PDTCH carrier signal level, would not be enough because also the transmission power information (PR, TFI) contained in the radio blocks may be used for calculating the reference level. Pecen does not mention the valid radio block requirement when measuring the TCH carrier signal level, and therefore the TCH carrier signal level tracking method of Pecen is different.

In column 6 of Pecen, lines 60 - 67, it is mentioned that the mobile station (MS) takes signal measurement samples and communicates this information to a base station (BTS). Such a procedure refers to the GPRS parameter called C-value (C-value is the only parameter related to the received signal strength (Rx level) that is communicated to the base station by the mobile station during a GPRS data transfer).

Regarding claim 12, Pecen does not disclose the contents of the radio block being used for the calculation of the reference level or the receiver gain.

Thus, the rejection of claims 1-2,5-6,8-9,12-13,20-22 and 24-28 should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$450.00 is enclosed for a two-month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Henry I. Steckler
Henry I. Steckler
Reg. No. 24,139

Nov 23, 2005
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 11/23/05

Signature: [Signature]
Person Making Deposit